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BAT SURVEY REPORT

Site: Bottings Farmhouse
London Road
Henfield
West Sussex, BN5 9AD

Clients: Mr & Mrs Lynch



Surveyors: D P King MEECW - NE CL18 Bat Class Svy. Lic. No. 2025-85092-CL18-BAT
NE Reg. Bat Consultant No. RC182
S L Wright - NE CL18 Bat Class Svy. Lic. No. 2025-85091- CL18-BAT
S King (trainee)

Survey Dates: 01/05/2026 & 25/05/2026

Report Date: 27/05/2026

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Bat Survey, Bottings Farmhouse, London Road, Henfield, West Sussex, BN5 9AD
OS Grid Ref: TQ 20923 18040

Executive Summary

Three surveyors from Batscan Ltd carried out a combined Phase 1 bat survey (daytime building inspection) and Phase 2 bat survey (dusk emergence check/bat activity survey) of the historic farmhouse at Bottings Farm, London Road, Henfield, West Sussex, on 1st May 2026. The survey was repeated on the evening of 25th May 2026.

The survey was carried out on behalf of the property owners, who are seeking necessary consents to carry out works to two sections of the Grade II listed farmhouse. The works include remedial repairs to tiled roofs, the addition of a dormer and two Velux type windows. The owners propose to repair damaged roof timbers, re-tile and add a membrane to these areas. Guttering and drainage issues will also be addressed and chimney repairs undertaken.

The house is set in a large garden, a short distance from woodland and the River Adur. There are a number of other historic buildings in the surrounding area.

Because bats and their roosts are protected by law, appropriate surveys are required, prior to any works, which may cause them harm or disturbance. At this time of the year, female bats are gathered in their summer maternity roosts and males are roosting singly, or in small groups.

Batscan surveyors undertook a thorough inspection of the exterior of the house and accessible roof spaces. Small numbers of bat droppings were found in the east side roof space, an area which will be unaffected by the proposed works, during both surveys, but no bats were seen. This suggested very occasional use of the roof space by a long-eared bat (*Plecotus* sp.).

The surveyors remained on site through dusk, using full-spectrum bat recorders and infra-red cameras, to record bat activity, as night fell. Three common pipistrelles emerged from the building during the first dusk emergence check, one from hanging tiles on the existing dormer window on the west side, where work is proposed. Two common pipistrelles emerged from a tile on the south gable end of the house, where no work is planned, at the present time.

A similar methodology was used for the repeat survey, but no bats were seen emerging from the building, on this occasion, although bats were very active in the immediate area.

It is therefore concluded that small numbers of common pipistrelles and a single long-eared bat roost in the house, at some times. A single common pipistrelle will be affected by the proposed renovation of the roosting area. No further bat surveys are considered necessary, prior to planning approval. However, because there is a risk of disturbance to a bat's roost, a Bat Mitigation Licence will be required to allow the proposed works to proceed. A 'low impact' or Bat Mit. Class Licence, is likely to be appropriate for this site. The application cannot be made until all consents are in place. Appropriate mitigation and compensation measures must be agreed, prior to application and a further bat emergence check, may be necessary, prior to works, as a precautionary measure. Further advice is provided in this report.

1. Introduction & Background

- 1.1 Three surveyors from Batscan Ltd carried out a combined Phase 1 bat survey (daytime building inspection) and Phase 2 bat survey (dusk emergence check/bat activity survey) of the detached, historic farmhouse at Bottings Farm, London Road, Henfield, West Sussex, on 1st May 2026. The survey was repeated on the evening of 25th May 2026. Two surveyors hold Natural England Scientific Bat Licences and one is also Natural England Registered Bat Consultant. The third surveyor was an experienced assistant. For details of licences and affiliations, please see this report cover.
- 1.2 The survey was carried out on behalf of the property owners, who are seeking necessary consents to carry out works to sections of the Grade II listed farmhouse. Some areas of the clay-tiled roof have no felt/membrane and certain sections are in a poor condition. The owners propose to re-tile, using the existing clay tiles, over a membrane, following the repair of damaged roof timbers, which have contributed to structural problems. Guttering and drainage issues will also be addressed and chimney repairs undertaken. A new dormer window will be added to the west side of the roof and two Velux type windows will be fitted.



Fig. 1 – New dormer window to be fitted to left of existing dormer, replacing old skylight window
This section of roof (NW) to be re-tiled (Property owner's photograph)



Fig. 2 – See Fig 1, above (property owner's photograph)



Fig. 3 – Two small Velux windows to be added to this SW side section; no re-tiling proposed
(Property owner's photograph)

- 1.4 Because bats and their roosts are protected by British and European law, appropriate surveys are required, prior to any building works which may cause them harm or disturbance. A brief account of the laws protecting bats and of relevant planning considerations, is attached to this report.

- 1.5 By early May, female bats are beginning to gather in their summer maternity roosts. Males are roosting singly, or in small groups. All bats emerge to feed, on their insect prey, on nights when weather conditions are suitable. The second survey was undertaken on 26th May, when maternity colonies will have formed and female bats will be expecting to give birth shortly. The weather was ideal for bat activity, during the first of the two surveys.

2. Phase 1 Bat Survey/Bat scoping Survey – 1st May 2026 – Methodology

- 2.1 Prior to the survey, aerial maps of the site were studied to assess the surrounding habitat for bat potential. Batscan consultants checked the MAGIC (Multi Agency Geographic Information for the Countryside) website, to establish the proximity of the site to granted European Protected Species Licences, with respect to bats. See 3.1 below.
- 2.2 The property owners explained the extent of the proposed works to Batscan surveyors, who checked each section of the house for potential roosting places. Binoculars were used to inspect higher levels of the roof. A powerful torch was used to search the accessible roof voids, including a shallow void, which could only be viewed from the loft hatch. Photographs were taken and detailed notes were made. Positions were chosen for the dusk emergence check.
- 2.3 Recommendations from the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists: Good Practice Guidelines' (4th edn)*¹ were followed for the course of these surveys.

3. Phase 1 Bat Survey/Bat scoping Survey – 1st May 2026 – Results

- 3.1 The search of the MAGIC website revealed that five EPS Licences, in respect of bats, have been granted within a few kilometres of the site. Three of these licences related to non-breeding roosts for one or more of the following species: common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared bat (*Plecotus auritus*), serotine (*Eptesicus serotinus*), whiskered bat (*Myotis mystacinus*) or Daubenton's bat (*Myotis daubentonii*). Three related to breeding roosts where common pipistrelle, whiskered bat, brown long-eared bat, Natterer's bat (*Myotis nattereri*) or soprano pipistrelle were recorded. The licences dated from between 2013 and 2024. Two licences have been granted within 1km of the site. See MAGIC Maps, below. Please note that this list does not include 'low impact' (Bat Mitigation Class Licences).
- 3.2 A recent search of the SxBRC database revealed that bats of most British species have been recorded within a few kilometres of the site, including common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle (*Pipistrellus nathusii*), Daubenton's bat, barbastelle (*Barbastella barbastellus*), noctule and brown long-eared bat.

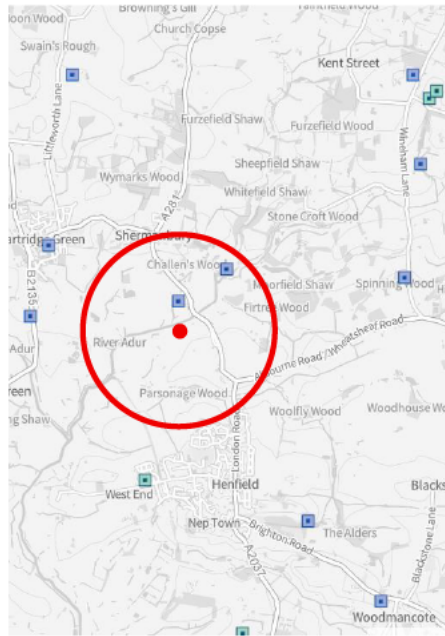


Fig. 4 – Sites where EPS Licences (Bats) have been granted

3.3 The House – Exterior

The house dates from the 17th Century or earlier, with later additions. Some walls are clad with hanging tiles and the roof is covered with clay tiles. No bats or evidence of bat use was seen around the exterior of the building. However, there are numerous roosting opportunities, for crevice-dwelling bats, beneath lifted and uneven roof tiles and hanging tiles, throughout the property.



Fig. 5 – The house, viewed from the NE – catslide roof to be renovated



Fig. 6 – The house, viewed from the SE

3.4 The House – Roof Voids

A single bat dropping was seen in the roof void of the E-W section of roof (see photo above) suggesting an occasional visit by a long-eared bat (*Plecotus* sp.). No works are planned to this roof, which is in a relatively good condition. No bats or evidence of bat use was seen elsewhere. The floors of the voids are insulated with fibre-glass type material.



Fig. 7 - Bat dropping on floor of E/W roof void



Fig. 8 – Unlined section of roof (E/W section)



Fig. 9 – Unlined roof in older section of building (N/S)



Fig. 10 – Lined section of roof, to south



Fig 11 – Aerial view of house (MAGIC Maps) ★ Indicates void where bat dropping located

3.4 Surrounding Habitat

The property is situated in open countryside, a short distance from the River Adur, with good connectivity to areas of woodland. The surrounding area offers excellent bat habitat, with numerous old buildings and a number of veteran trees offering roosting potential and water bodies and treelines providing foraging and commuting opportunities.



Fig. 12 – View from front of property to NE



Fig. 13 – Rear gardens of property, to S

4. Phase 2 Survey 1 (Dusk Emergence Check/Bat Activity Survey 1) – 1st May 2026 - Methodology

- 4.1 At dusk, when bats emerge from their roost sites to feed, the surveyors were positioned so as to get the best possible views of any bats emerging from the house and for bats foraging/commuting in the area.

The surveyors were positioned, as follows:

Surveyor 1: To the west of the house – David King

Surveyor 2: To the south of the house – Sophie King

Surveyor 3: To the north-east of the house - Sheila Wright

4.2 Equipment

The surveyors used Batbox Griffin time-expansion recorders, Batbox Duet and Batbox Baton XD detectors to listen to and record bat echolocation calls and to identify any bats heard to species level, where possible. Recordings were made, for later computer analysis with BatScan and Sonobat software. Additionally, two Canon XA20 infra-red, night vision cameras, together with arrays of IR illuminators, were used to pinpoint any bat emergence points. Prior to bat emergence time, the surveyors used bat detectors to listen for pre-emergence 'chatter', sometimes heard from bat colonies before leaving their roost. The surveyors carried high powered torches and communicated via 2-way radio comms.

4.3 Weather Conditions

The survey was undertaken on a very warm, humid, calm and dry evening with 30% cloud cover. The temperature was 18°C at the start of the survey period and 17°C at sunset. Conditions were considered to be ideal for bat activity.

4.4 Timing

The evening emergence check/bat activity survey started at 20:00. Sunset was at 20:22. The survey continued for 1½ hours.



Fig. 14 – IR camera view of house, from NE



Fig. 15 – IR camera view of the house, from W



Fig. 16 – Surveyor positions, Survey 1 ★ IR camera positions, Survey 1 ●

5. Phase 2 Survey 1 (Dusk Emergence Check/Bat Activity Survey 1) – 1st May 2026 - Results

- 5.1 Three common pipistrelles emerged from the building during the first Phase 2 survey; one from beneath hanging tiles on the west facing dormer and two from the SW edge of the south facing hipped roof. The roost area on the west side is likely to be affected by the proposed renovation works. Bats seen and heard were as follows:

Time	Species	Activity
20:36 – 20:51	Noctule (<i>Nyctalus noctula</i>)	Foraging continuously high over site
20:37	Common pipistrelle (<i>Pipistrellus pipistrellus</i>)	Emerged from apex of dormer, W side (see photograph) flew to N
20:43	Soprano pipistrelle (<i>Pipistrellus pygmaeus</i>)	Pass at NE of house
20:44	Common pipistrelle	2 x bats emerged from bonnet tile on S gable (see photograph)
20:44 – 21:25	Common pipistrelle	Fairly regular passes alongside house, including occasional social calls
20:57	Whiskered or Brandt's bat (<i>Myotis mystacinus</i> or <i>M. brandtii</i>)	Flew from S over house
21:02	<i>Myotis</i> sp. or <i>Plecotus</i> sp. (Long-eared bat)	Very faint recordings at S & W of house
21:12	Soprano pipistrelle	Pass at E of house



Fig. 17 – Svy 1 - Emergence point of pipistrelle, W side dormer



Fig. 18 – Svy 1 - Emergence point of two pipistrelles, S end roof

6. Phase 2 Survey 2 (Dusk Emergence Check/Bat Activity Survey 2) – 25th May 2026 - Methodology

- 6.1 Prior to the repeat Phase 2 survey, another search was made of the roof void where a single bat dropping had been found previously.
- 6.2 Methodology for the Phase 2 survey was as for Survey 1, although IR camera 2 was repositioned to the S end of the building on this occasion.

The surveyors were positioned, as follows:

Surveyor 1: To the west of the house – David King

Surveyor 2: To the south of the house – Sophie King

Surveyor 3: To the north-east of the house - Sheila Wright

6.2 Equipment

Equipment was as for Survey 1.

6.3 Weather Conditions

The survey was undertaken on an extremely warm and dry evening with a very light breeze and 10% high cloud cover. The temperature was 23°C at sunset. Conditions were considered to be ideal for bat activity.

6.4 Timing

The evening emergence check/bat activity survey started at 20:40. Sunset was at 20:56. The survey continued for 1½ hours.



Fig. 19 – IR camera view from S, Survey 2

7. Phase 2 Survey 2 (Dusk Emergence Check/Bat Activity Survey 2) – 25th May 2026 - Results

- 7.1 No bats were seen to emerge from the house during the repeat survey, although bats, of several species, were active around the farmhouse, particularly commuting along the narrow lane. Bats seen and heard were as follows:

Time	Species	Activity
21:23 – 22:10	Common pipistrelle (<i>Pipistrellus pipistrellus</i>)	Regular passes from individuals along lane to N and between Bottings and adjacent cottage to E. Occasional passes to W & S of house
21:37 & 22:01	Noctule (<i>Nyctalus noctula</i>)	Pass over site
21:39, 21:49, 21:57 - 21:58	<i>Plecotus</i> sp. (Long-eared bat)	Occasional passes along lane and between house & adjacent cottage
21:56	Nathusius pipistrelle (<i>Pipistrellus nathusii</i>)	Passing close along W side of roof

7.2 Bats Recorded during Phase 2 Bat Surveys:- (Roosting bats in bold type)

- Noctule (*Nyctalus noctula*) is a large bat which is becoming scarce. It roosts almost exclusively in tree holes.
- **Common pipistrelle (*Pipistrellus pipistrellus*) is considered to be common and widespread in the UK.**
- Soprano pipistrelle (*Pipistrellus pymaeus*) is also considered to be common and widespread in the UK.
- **Brown Long-eared bat (*Plecotus auritus*) – This species is common and widespread throughout the UK.** Grey long-eared bat (*Plecotus austriacus*) is a very rare bat, although it has been recorded in West Sussex, on occasions. DNA analysis has not been undertaken on the very small number of bat droppings found in the E side roof void of Bottings Farmhouse, as this section of the building will be unaffected by the proposed renovation works.
- Whiskered (*Myotis mystacinus*) and Brandt's bat (*My. brandtii*) are closely related species, difficult to differentiate by echolocation calls alone.
- Nathusius pipistrelle (*Pipistrellus nathusii*) – this relatively uncommon bat was previously believed to be a vagrant species in the UK, but is now known to be a regular migrant and sometimes resident.

8. Survey Constraints

- 8.1 There were no significant constraints to these surveys, which were carried out in ideal weather conditions and during the optimal season for bat activity.

9. Conclusions and Recommendations

- 9.1 The level of bat use of Bottings Farmhouse appears to be relatively low, with occasional roosting by very small numbers of bats of two, relatively common, species, which are using the building as a day roost or transitional roost. **At the present time, it would appear that only a single common pipistrelle is likely to be disturbed during the proposed renovation. This bat was seen emerging from beneath hanging tiles on the small, west facing dormer, which is to be refurbished.**
- 9.2 No further bat surveys are considered necessary prior to planning approval, as findings are considered unlikely to differ significantly and there is no evidence of anything other than occasional roosting by small numbers of bats, of common species. **However, a Bat Mitigation Licence will be required to allow the proposed works to the dormer window to proceed. A 'low impact' or Bat Mitigation Class Licence, is likely to be appropriate for this site. The application cannot be made until all consents are in place. Appropriate mitigation and compensation measures must be agreed, prior to application and a further bat emergence check, may be**

required, prior to works, as a precautionary measure, because bats may change roosts over the course of the year, depending on their seasonal requirements. See recommended Outline Method Statement for Bat Mitigation Class Licence Application, below (Page 19).

Bat Sonagrams – Bottings Farmhouse

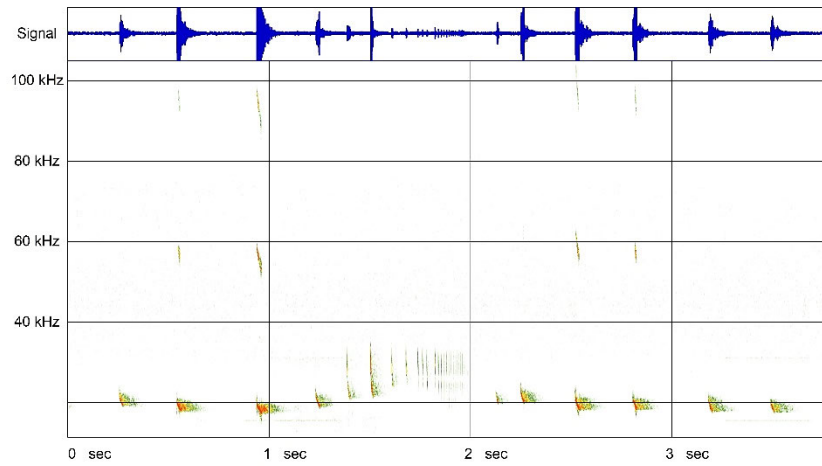


Fig. 19 – Noctule (*Nyctalus noctula*)

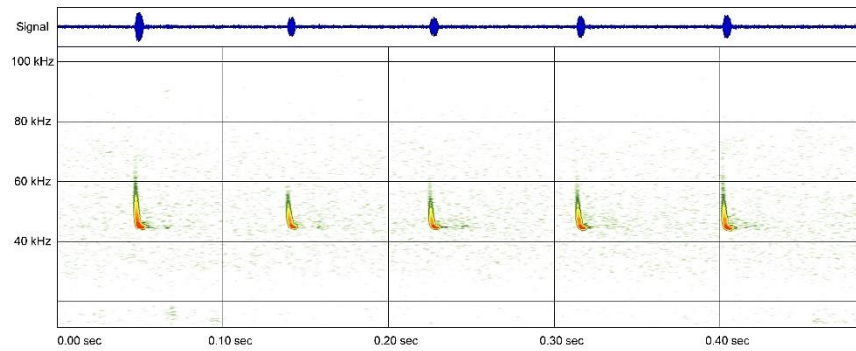


Fig. 20 – Common pipistrelle (*Pipistrellus pipistrellus*)

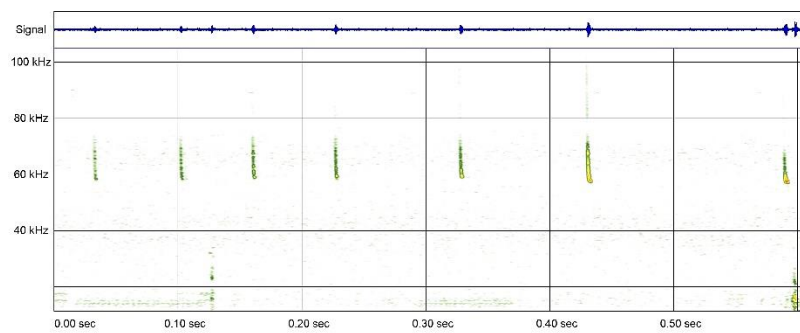


Fig. 21 - Soprano pipistrelle (*Pipistrellus pygmaeus*)

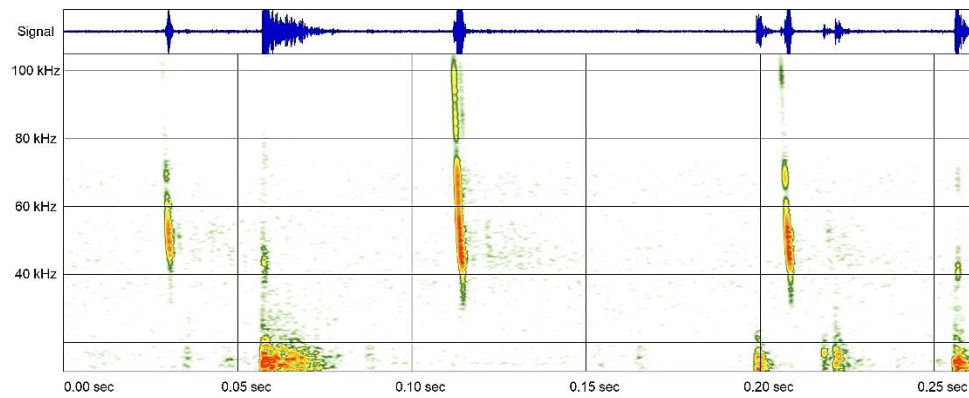


Fig. 22 - Whiskered or Brandt's bat (*Myotis mystacinus* or *My. brandtii*)

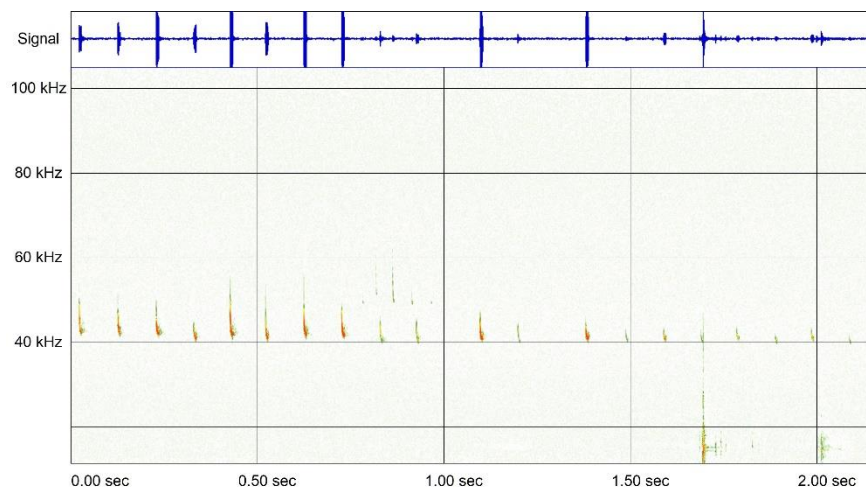


Fig. 23 – Nathusius' pipistrelle (*Pipistrellus nathusii*)

*¹ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6

OUTLINE PROPOSED METHOD STATEMENT – BOTTINGS FARMHOUSE

- **Timing**
Works to the dormer cannot commence until a Natural England European Protected Species Licence is in place and all works, associated with bats, must be completed within six months of the start of the licensing period. A licence cannot be sought until all consents are in place.
- **Temporary Replacement Bat Roosts**
No temporary roost should be required as bats have numerous roosting opportunities throughout the farmhouse. However, a good quality bat box could be erected on a nearby tree or suitable building, so that if a bat is discovered during works, it can be safely relocated.
- **Building Inspection, 'Toolbox Talk' & Supervision**
Should works not commence within three months of the latest survey, a further emergence check should be carried out, to ensure that the level of bat activity has not changed in the interim period, unless works are commencing in the winter period, when bats would not be active. An on-site toolbox talk, with regard to bats, must be provided to the contractors who are undertaking the works. Tiles and other materials should be removed with appropriate care and under supervision, where necessary (i.e. in roosting area identified previously).
- **Roof Tiles – Reinstatement of Roosting Opportunities.**
It must be ensured that roosting provisions for crevice-dwelling bats such as pipistrelles are reinstated. If hand-made roof tiles are to be re-used, it is likely that roosting potential will be maintained, due to the uneven nature of these tiles. However, consideration could be given to fitting a minimum of two additional bat access tile sets*² (or bespoke 'lifted' tiles) to roof slopes, as well as one in the dormer, where the bat is roosting at the present time.
Please note that 1F felt or an approved 'bat-safe' roofing membrane, must be used beneath tiles in all areas where bats might roost.
- **Connectivity**
The proposed works will have no impact on connectivity around the site.
- **Lighting**
The proposed works will not result in any significant changes to lighting levels but it must be ensured that bat access points are not directly illuminated or affected by light spill.
- **Monitoring**
Bat provisions should be checked, by Batscan consultants, on completion.

Overview of the law relating to bats – England and Wales (should not be relied on in place of professional legal advice.) - Updated January 2024 with advice from the 4th edition of the Bat Conservation Trust's 'Bat Surveys for Professional Ecologists – Good Practice Guidelines'.*¹

Legal Protection

All bat species and their roosts in England and Wales are protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Annex II of the Council Directive 92/43/EEC 1992, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), lists species of Community interest, for which conservation requires the designation of Special Areas of Conservation (SACs), as part of the Natura 2000 network. (now referred to, in the UK, as 'the National Site Network', following Brexit). Annex IV lists species of Community interest in need of strict protection. This protection means that they are also a relevant consideration in a Habitats Regulations Assessment (HRA). All bat species are listed in Annex IV and some are listed in Annex II (greater horseshoe bat (*Rhinolophus ferrumequinem*), lesser horseshoe bat (*Rhinolophus hipposideros*), barbastelle (*Barbastella barbastellus*) and Bechstein's bat (*Myotis bechsteinii*)).

The EC Habitats Directive was transposed into UK law and the regulations implementing the Directive in the Conservation of Habitats Regs. 2017 (as amended) in England and Wales. The regulations are generally referred to as the Habitats Regulations. When the UK left the European Union in January 2020, although no longer bound by European legislation, the related domestic legislation was retained, so that bats receive the same level of protection as previously. The European Commission published an updated version of their Guidance document (EC 2021) and this remains a relevant source of information.

All species of bats found in the wild in the UK are, therefore, European Protected Species (EPS) and it is unlawful to kill, injure, capture or take a wild bat. It is also unlawful to disturb bats, particularly if the level of disturbance can be shown to impair their ability to survive, to breed or reproduce, to rear young, to hibernate or migrate and also to significantly affect local distribution or abundance. In England and Wales, this offence requires a deliberate action. Throughout the UK, it is illegal to damage or destroy a place used by a bat for breeding or resting. This offence is unique in that it is a strict liability offence which can be committed accidentally; no element of intentional, reckless or deliberate action needs to be evidenced. Under the Habitats Regulations, it is an offence to be in possession of a wild bat, alive or dead, or any part of a bat; to sell, transport or exchange a bat.

It is also illegal in England and Wales, under the **Wildlife and Countryside Act 1981 (as amended)** to intentionally or recklessly disturb a bat, whilst it is occupying a place of shelter or protection. In England and Wales, it is an offence under the W&C Act to intentionally or recklessly obstruct access to any place used by a bat for shelter or protection. As with intentional or reckless disturbance, **The Environment Act, 2021** introduces a new exception to the W&C Act offences for any actions taken under the auspices of a Habitats Regulations Licence. A further change, made in 2022, allows licences to be issued (in England) for reasons of overriding public interest, providing there is no other satisfactory solution and that the activities licensed will not be detrimental to the survival of the species concerned. This provision relates to development works. Actions, which would otherwise be illegal, can be made lawful, if licensed by the appropriate licensing body (Natural England (NE) in England). It is an offence to make a false statement in order to obtain a bat licence or to fail to comply with licence conditions.

A householder who disturbs a bat in its place of protection in a dwelling house, or obstructs access to this place of protection, does not commit an offence if they first seek and advice from Natural England and allow time for such advice to be provided. However, if the bat is within the living space of a dwelling, it is not considered to be an offence to disturb it. It is not illegal to take a disabled bat, for the sole purpose of tending it and releasing it when appropriate, providing the person can show that it was not harmed deliberately by them. It is also not illegal to kill a bat (unless harmed by their own unlawful act), if there is no reasonable chance of it recovering. These defences only apply where there is no reasonable alternative and when the act will not be detrimental to the Favourable Conservation Status of the species, in its natural range.

Across the UK, Sites of Special Scientific Interest (SSSIs) have been identified by the Statutory Nature Conservation Bodies, including some notified for their bat interest. The relevant legislation is the W&C Act. This provides additional protection for bats and their roosts, in these sites.

The police have the power to stop and search a person who is suspected of committing a bat related offence, enter property (other than a dwelling house) without a warrant, or enter a dwelling house with a warrant. They are empowered to take with them any person or equipment required to exercise these powers.

Those found guilty of offences relating to bats can face unlimited fines in England and Wales, and/or be sentenced to six months imprisonment. Any profit arising from this criminal activity can be confiscated.

The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 aim to prevent damage to the environment, including protected species, such as bats. The regulations require the operator to take all practicable steps to prevent environmental damage and give enforcing authorities the power to serve notice and specify action required to prevent environmental damage. Remediation orders can be imposed to repair any damage which has occurred. This can be used alongside a prosecution under the Habitats Regs., to gain better outcomes.

Licensing

The two main types of relevant licence are **EPS survey licences** and **EPS mitigation licences**:

Survey Licences are granted in England by Natural England and are issued to ecologists, under the Habitats Regs and the W&C Act, to permit them to undertake activities that would otherwise be illegal – i.e. entering bat roosts and disturbing bats. The ecologist is required to be suitably qualified and experienced under British Standard BS42020. Different activities (ie, certain projects and methodologies) are licenced under separate licences. Photographing bats is only permitted under a survey licence when it is ‘an incidental part of other licensed bat work’. Where disturbing bats is proposed for the sole purpose of photography, this must be specifically licensed.

Conservation Licences are issued where improvements are made to a bat roost for the specific aim of conserving the species.

Class Licences for surveying bats in England cover all bat-related activity, outside of the NE volunteer bat roost visitor advice service, including bat box checks, hibernation surveys, general surveys and limited use of equipment such as harp traps etc. There are four levels of licence, allowing for different bat-related activities (both voluntary and professional): **Level 1** (to survey bats by observation only, not including hibernating bats – WML-CL17, **Level 2** (to survey bats using artificial light, inc. hibernating bats, use of hand-held and static nets – WML-CL18, **Level 3** (to survey bats, including previous methods and additionally to use mist nets and acoustic lures (WML-CL19) and **Level 4**, as previous licences but including the use of harp traps.

European Protected Species (EPS) licences (derogation, mitigation or development licences) are issued under the Habitats Regs., by NE in England, after three tests have been satisfied in relation to the proposed action: The proposed action must be for the purpose of preserving public health or safety or other reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and preventing serious damage to property.

There is no satisfactory alternative to the proposed action and: The action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

The Environment Act 2021 introduced a new exception to the Wildlife and Countryside Act offences, for any actions taken under the auspices of a Habitat Regs. Licence. Another change is that licences can now be issued in England for reasons of overriding public interest, providing the tests are met. This provision for development activities was not previously available under the W&C Act. In order for the licensing tests to be correctly applied, it is essential that adequate bat survey information is supplied. Without this, a licence may not be granted.

In 2018, NE introduced a new ‘low impact’ licensing scheme, now titled the **Bat Mitigation Class Licence (BMCL)**. Ecologists can become ‘Registered Consultants’ to use this type of licence, with appropriate training

and assessment. The BMCL is only suitable for low conservation status roosts of common bat species. In 2018, NE announced the introduction of a **Bats in Churches Class Licence**, allowing appropriately trained Registered Consultants to use a more streamlined process when the presence of bats in a church is resulting in significant impacts.

In 2021, NE began a pilot of the **Earned Recognition Scheme**, where a consultant's competence in undertaking survey work and associated mitigation, etc., is assessed and accredited. Using an accredited consultant allows developers to experience a more streamlined licencing process. A competency framework defines the requirements for different levels of accreditation. A second pilot phase, known as Beta ER, is currently underway.

It is also possible, in England, to apply for an **organisational licence**, which licences organisations (under specific conditions) to carry out certain routine activities affecting bats.

Planning Policy Context

The biodiversity duty is imposed in England through the Environment Act 2021, which amends the **Natural Environment and Rural Communities (NERC) Act 2006** by adding the words 'and enhance' alongside 'conserve'. Public authorities must consider what action they can take to further the biodiversity objective.

Relevant Policy documents in England are:

National Planning Policy Framework (NPPF), Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations & their Impact Within the Planning System (2005) and National Planning Practice Guidance Natural Environment (2019).

In addition to the national policy guidance, regional and local planning policies should be consulted and **NE's Standing Advice to LPAs (GOV.UK.2022A)** may be relevant. Planners are required to consider protected species as a material consideration when assessing a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Where bats may be present, this will include the need for adequate bat surveys to establish the presence or absence of bats, to predict the likely impact on bats and their roosts and if necessary, to design appropriate mitigation measures, etc.. In planning terms, development includes activities requiring outline or full planning permission, permitted development, listed building consent and/or prior approval to demolish. SSSI consent may also be needed. Further details are provided in Clauses 6 to 8 of BS42020 (BS1, 2013) see:

<https://knowledge.bsigroup.com/products/biodiversity-code-of-practice-for-planning-and-development-standard>

Additionally, the Partnership for Biodiversity in Planning (PBP) Project, funded by the Esmée Fairbairn Foundation, was a partnership of 19 organisations in the conservation, planning and development sectors and has produced an online, interactive trigger list called the Wildlife Assessment check (WAC) –

<https://www.biodiversityinplanning.org/wildlife-assessment-check>